IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.1103 OF 2001

IN

WRIT PETITION NO.930 OF 1995

Metal Box India Ltd. ...Appellants

v/s

The Association of Engineering Workers Union and ors. ...Respondents

WITH

APPEAL NO.1113 OF 2001

IN

WRIT PETITION NO.1138 OF 1995

Metal Box India Ltd. ...Appellants

v/s

The Association of Engineering Workers Union and ors. ...Respondents

Mr C.U. Singh, Sr. Counsel with Mr Kiran Bapat i/b M/s Tejpal and Co. for Appellants.
Mr N.M. Ganguli for Respondents in Appeal No.1103 of 2001 and for Respondent No.1 in Appeal No.1113 of 2001.

Mr M.S. Topkar for Respondent No.2 in Appeal No.1113 of 2001.

WITH

APPEAL NO.769 OF 2001

IN

WRIT PETITION NO.1138 OF 1995

The Association of Engineering Workers Union and ors. ...Appellants

v/s

Metal Box India Ltd. and anr. ...Respondents

Mr N.M. Ganguli for Appellants.

Mr C.U. Singh, Sr. Counsel with Mr Kiran Bapat i/b M/s Tejpal and Co. for Respondent No.1.

CORAM : D.K. DESHMUKH AND J.H. BHATIA JJ.

DATE : 11TH SEPTEMBER 2007.

P.C. :-

1. By consent of parties, the above proceedings are disposed off in following terms.

A). Without prejudice to the rights and contentions of all the parties, M/s Metal Box India Ltd. (Company) shall deposit a sum of Rs.2,00,00,000/- (Rupees Two Crores only) in the following manner in the Industrial Court at Mumbai :-

a) A sum of Rs.75,00,000/- (Rupees Seventy Five Lakhs only) shall be deposited on or before 30th September 2007;

b) A sum of Rs.75,00,000/- (Rupees Seventy Five Lakhs only) shall be deposited on or before 31st October 2007 and

c) The balance amount of Rs.50,00,000/- (Rupees Fifty Lakhs only) shall be deposited on or before 30th November 2007.

B). Upon such deposit being made, the impugned order of the Industrial Court dated 5th April 1995 passed in complaint (ULP) No.191 of 1994 as well as the impugned common judgment and order dated 14th June 2001 of the learned Single Judge in writ petition No.930 of 1995 and writ petition No.1138 of 1995 shall stand set aside by consent of the parties.

C). On the amount being deposited, the Industrial Court, Mumbai shall immediately invest the amount in fixed deposit in the ICICI Bank Ltd. for suitable period. On the amount being deposited, the complainant - Trade Union shall be at liberty to make an application to the Industrial Court for permission to withdraw the amount deposited by the Company. The Industrial Court shall consider the application in accordance with law and in case the Industrial Court is satisfied that the Trade Union is in a position to secure the amount, the Industrial Court may permit the complainant - Trade union to withdraw the amount on such terms and conditions as the Industrial Court may deem fit and proper.

D). The Industrial Court, Mumbai shall hear and dispose off the complaint (ULP) No.191 of 1994 afresh. The Company as well as the Unions shall be entitled to amend their pleadings and further be entitled to lead fresh evidence in support of their contentions, in addition to the evidence already on record.

E). The Industrial Court, Mumbai shall hear and dispose off the complaint (ULP) No.191 of 1994 as expeditiously as possible and preferably on or before 30th April 2009.

F). In view of the above, all the aforesaid appeals stand disposed off with no order as to costs. Notices of motion Nos.3430 of 2007 in appeal No.769 of 2001, 1612 of 2002 in appeal No.1103 of 2001 and 1622 of 2002 in appeal No.1113 of 2001 are disposed off.

. Parties to act on the copy of this order duly authenticated by the Associate / Private Secretary as true copy.

. Certified copy expedited.

(D.K. DESHMUKH J.)

(J.H. BHATIA J.)